



TAMIL NADU GOVERNMENT GAZETTE EXTRAORDINARY

PUBLISHED BY AUTHORITY

No. 8]

CHENNAI, WEDNESDAY, JANUARY 8, 2025
Margazhi 24, Kurothi, Thiruvalluvar Aandu-2055

Part IV—Section 1

Tamil Nadu Bills

BILL INTRODUCED IN THE LEGISLATIVE ASSEMBLY OF THE STATE OF TAMIL NADU

Under Rule 130 of the Tamil Nadu Legislative Assembly Rules, the following Bill which was introduced in the Legislative Assembly of Tamil Nadu on 8th January, 2025 is published together with Statement of Objects and Reasons for general information:—

L.A Bill No. 1 of 2025

A Bill to repeal the Tamil Nadu Borstal Schools Act, 1925.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Seventy-fifth Year of the Republic of India as follows:—

1. This Act may be called the Tamil Nadu Borstal Schools Short title.
(Repeal) Act, 2025.

Tamil Nadu Act V
of 1926.

2. The Tamil Nadu Borstal Schools Act, 1925 is hereby repealed. Repeal of
Tamil Nadu
Act V of 1926.

STATEMENT OF OBJECTS AND REASONS.

The Tamil Nadu Children Act, 1920 (Tamil Nadu Act IV of 1920) was enacted for the custody, trial, maintenance, welfare, education, character training and punishment of youthful offenders and for the prosecution of children and young persons. In order to detain and train the youthful offenders convicted under the said Tamil Nadu Act IV of 1920, the Tamil Nadu Borstal Schools Act, 1925 (Tamil Nadu Act V of 1926) was enacted. The said Act provide for detention and training of adolescent offenders, who are not less than 16 years of age in the case of a boy and not less than 18 years of age in the case of a girl, but not more than 21 years of age in either case and they may be released from the Borstal School after attaining the age of 23 years. In the year 1986, the Government of India enacted the Juvenile Justice Act, 1986 (Central Act 53 of 1986) and section 63 of the said Act provided that any law corresponding to the said Act stand repealed and hence impliedly repealed the Tamil Nadu Children Act, 1920 (Tamil Nadu Act IV of 1920). Subsequently, the said Central Act 53 of 1986 was repealed and re-enacted as Juvenile Justice (Care and Protection of Children) Act, 2000 (Central Act 56 of 2000) in the year 2000, which in turn, was repealed and re-enacted as the Juvenile Justice (Care and Protection of Children) Act 2015 (Central Act 2 of 2016). In view of the above said legislative changes, a child in conflict with law, who is below the age of 18 years at the time of commission of offence irrespective of the age at the time of conviction will come under the protective umbrella of the said Central Act 2 of 2016 and not under the Tamil Nadu Borstal Schools Act, 1925 (Tamil Nadu Act V of 1926). Hence, the said Tamil Nadu Act V of 1926 has to be repealed. Further, the Special Bench of the Hon'ble High Court of Madras has also while disposing of H.C.P. No. 1441 of 2007, etc., has suggested to repeal the Tamil Nadu Borstal Schools Act, 1925 (Tamil Nadu Act V of 1926), since it has outlived its purpose.

2. In the circumstances, the Government have decided to repeal the said Act.
3. The Bill seeks to give effect to the above decision.

S. REGUPATHY,
Minister for Law.

Secretariat,
Chennai-600 009,
8th January 2025.

K. SRINIVASAN,
Principal Secretary.